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Letter dated 27 November 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the President of the Security Council

Upon instructions of my Government, I have the honour to request that the attached document, entitled "The visit of the mission of the Security Council to Indonesia: Indonesia's constructive response to Security Council resolution 1319 (2000)", issued by the Department of Foreign Affairs of the Republic of Indonesia (see annex), be circulated as an official document of the Security Council.

(*Signed*) Makmur **Widodo**
Chargé d'affaires a.i.
Deputy Permanent Representative

00-76428 (E) 281100

Annex to the letter dated 27 November 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the President of the Security Council

The visit of the mission of the Security Council to Indonesia: Indonesia's constructive response to Security Council resolution 1319 (2000)

I. Introduction

1. The visit by the mission of the Security Council at the invitation of the Government of Indonesia affords the former with the opportunity to witness first-hand the important strides which have been made by Indonesia in responding to Security Council resolution 1319 (2000). Just as important, and in the wider context, it offers the potential for the Council to better appreciate the multitude of residual issues which Indonesia has faced in the aftermath of the transfer of authority over East Timor — issues which have been diligently and assiduously addressed by the Government of Indonesia, not least the question of East Timorese refugees in West Timor.

2. Furthermore, the visit should also highlight the fact that contrary to recent dispositions and suggestions by some quarters, the hurdles and challenges which are likely to be faced by East Timor during its transition towards independence, cannot forever be conveniently directed at Indonesia. A year since the transfer of authority, a year since the United Nations Transitional Administration in East Timor (UNTAET) was established by the Security Council endowed with overall responsibility for the administration of East Timor and empowered to exercise all legislative and executive authority, including the administration of justice, a year of the very best of intentions, goodwill and support on the part of the international community, not least Indonesia, to ensure a smooth transition process in East Timor, all these could not obscure the fact that in the final analysis, it is for the people of East Timor themselves to overcome the challenges they are likely to face during the transition towards independence.

3. The invitation by the Government of Indonesia to the Security Council is consistent with its demonstrated determination to maintain an open line of communication with the United Nations. It follows the briefing by the Special Envoy of the President of the Republic of Indonesia, Coordinating Minister for Political, Social and Security Affairs, H.E. Susilo Bambang Yudhoyono, to the Security Council on 19 September 2000 and the similar briefing given by the Minister of Foreign Affairs, H.E. Dr. Alwi Shihab, on 12 October 2000. Over the course of its visit to Indonesia, the Security Council mission is expected to be enlightened, inter alia, on the following major issues:

- A lasting and comprehensive solution of the question of East Timorese refugees in West Timor;
- The investigation of the Atambua incident and bringing the perpetrators to justice;
- Disarming of the so-called militia;
- Reconciliation among East Timorese.

II. Lasting and comprehensive solution of the question of East Timorese refugees in West Timor

4. For the Government and people of Indonesia, no other issue better illustrates their continued stake in seeing a smooth transition process in East Timor than the question of East Timorese refugees in West Timor. In the confusion that reigned in the days and weeks following the popular consultations, some 250,000 East Timorese sought refuge across the border to the neighbouring province of East Nusa Tenggara. Some also fled to the nearby islands.

5. Their motivation was simple: nothing less than their personal safety and security. The Government and people of Indonesia were not found wanting. Despite resource constraints, particularly in the less than richly endowed province of East Nusa Tenggara, hundreds of thousands of refugees were provided temporary shelter and living sustenance at 13 locations in five of the province's regencies. Within a period of three weeks, almost all the incoming East Timorese were accommodated in temporary shelter, tents and public buildings. Clean water, sanitation, food and medicine were distributed. The assistance of international agencies — the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF) — during this state of emergency was important. **During the period January 1999-March 2000, the Government channelled some 225,722,457,843 rupiahs in humanitarian assistance**, inter alia, in the form of food and medicine, health services, education, shelter and sanitation. The local NGOs also played an invaluable role in providing assistance to the needy.

6. **Over the past year, some 108,043 of the refugees (21,247 family units) have returned to East Timor**. Of these, some 10,515 returned using air transportation, 30,851 by sea and 68,751 by land. Clearly, this is indicative of the close cooperation between the Government of Indonesia and UNHCR.

7. Meanwhile, during fiscal year 1999/2000, some 3,108 persons (647 family units) who wish to remain in Indonesia have been resettled. During 2000, some 4,529 family units are planned to be resettled. The resettlement of the displaced persons within East Nusa Tenggara is the responsibility of the Department of Settlements and Regional Infrastructure. Resettlement of displaced persons intending to relocate to other islands/provinces in Indonesia is the task of the State Ministry for Manpower and Transmigration. For those who choose to go to other provinces, their resettlement programme is integrated with ongoing village development programmes and transmigration programmes, that have various economic-based activities, such as intensification of food crops, fisheries and home industries.

8. **As of September 2000, some 157,585 (31,517 family units) are still living at temporary West Timor refugee camps.** However, this number is inherently dynamic. Increases and reductions have been noted corresponding to changing conditions. Those who have returned to East Timor have on occasion decided to return temporarily to the camps upon discovering that their belongings have disappeared or their homes occupied and/or if they perceive a lack of security.

9. Clearly, the registration of the remaining East Timorese refugees is vital. Through accurate registration, the number of those East Timorese who wish to return to East Timor and those who intend to remain in Indonesia will be known.

Indeed, the Government of Indonesia carried out such registration in March 2000. However, UNHCR deemed the sample too small to be representative. Meanwhile, UNHCR's own registration effort was rejected by the refugees themselves.

10. **In view of the above, the Government of Indonesia intends to work closely with the relevant agencies, including UNHCR and the International Organization for Migration (IOM), to urgently prepare the registration of the refugees.** An important aspect of such registration would be its dissemination among the refugees; the affected families will need to be given careful and complete explanations of their rights and obligations, whether they choose to be repatriated to East Timor or to remain in Indonesia. The implementation of the repatriation or relocation programmes shall be based on the principle of free choice. All the arrangements shall be based on the non-discriminatory principle that there shall not be any discrimination on the allocation of assistance to those who choose to repatriate to East Timor or those who decide to remain in Indonesia.

11. Pending such a registration process and since the departure of UNHCR from West Timor in the wake of the incident on 6 September 2000, the Government of Indonesia has facilitated the spontaneous return of hundreds of refugees to East Timor. In facilitating this outcome, the Government of Indonesia, specifically the Task Force for the Settlement of the issue of East Timorese Refugees in East Timor (PMP) and the Indonesia Military Forces (TNI), have worked closely with the United Nations Peacekeeping Force (UNPKF) and United Nations Military Observers (UNMOs). Some may note that their active and direct involvement at the various border crossing points in assisting this return is in sharp contrast to the less than accommodating and pragmatic position shown by some UNHCR staff. It is noted, for example, that UNHCR has declined even to acknowledge such spontaneous refugee returns despite the fact that this would be invaluable in assisting family reunions and in channelling aid to the refugees upon their arrival back in East Timor. In the final analysis, inaction is not an option. The needs of the refugees must be considered paramount and must precede any national or even organizational interests.

12. The Government of Indonesia has in addition continued preparation for the return of former "Milsas" (East Timorese who fought for integration in 1975 and who were subsequently accorded status as TNI members) to East Timor. The implementation of this programme is expected to further encourage the return of refugees to East Timor.

13. A comprehensive and expeditious settlement of the question of East Timorese refugees is urgent. The social, financial, political, security and above all humanitarian ramifications of such a settlement could hardly be exaggerated. The Government of Indonesia enjoins the mission of the Security Council to recognize that the responsibility to comprehensively resolve this issue is a shared one. The need for adequate financial support is abundantly clear and the Government of Indonesia welcomes the expressed commitments of many to contribute.

14. But more is needed. In this regard, a readiness to recognize the multidimensional nature of the refugee issues is central; indeed, we must broaden our horizon by taking cognizance of the fact an early and comprehensive resolution of this issue cannot be divorced from developments in East Timor itself. Personal security, safety, welfare and liberty — these are some of the concerns that resonate

among the refugees. The Government of Indonesia for its part is determined to ensure that these issues are accorded the attention that they deserve.

III. The investigation of the Atambua incident, and bringing the perpetrators to justice

15. The Government of Indonesia reiterates its commitment to bringing to justice those suspected of involvement in the violence perpetrated in Atambua on 6 September 2000. The wheels of justice are in motion. To date and based on the testimony of witnesses, police have arrested the following individuals as suspects in the killing of the three UNHCR humanitarian workers:

1. Xisto Pareira.
2. Julius Naisama.
3. Joao Martins.
4. Jose Francisco.
5. Joao Alves da Crus.
6. Seravin Ximenes.

Two other suspects are still being sought. Also, as part of the investigation, police have twice (on 8 and 9 October 2000) re-enacted the events of 6 September 2000. The dossier of the case of the killing of the three UNHCR personnel has been submitted to the public prosecutor and on 3 November 2000 was confirmed as being complete. **The trial of the suspects is expected to commence in the first week of December 2000.**

16. Consistent also with Indonesia's determination to uphold the rule of law, legal proceedings are continuing against Mr. Eurico Guterres, who was arrested on 4 October 2000 on charges of inciting his followers to seize back weapons already surrendered on 24 September 2000. It is to be noted that on 23 October 2000, the South Jakarta District Court ruled in favour of the said person in a pre-trial hearing and ordered his release. The police, however, has submitted an appeal to the Supreme Court, and legal proceedings against Mr. Guterres for the events of 24 September 2000 are continuing. In connection with the latter, the dossier of the case against Mr. Guterres has been submitted to the Office of the Atambua District Attorney and he is currently being detained pending trial.

17. The Government of Indonesia is duty-bound to respect the independence and integrity of all these legal processes, including the ongoing investigations into serious human rights violations in East Timor. It will, however, continue to keep all concerned informed of these important legal processes.

IV. Disarming of the militia

18. Disarmament efforts continue to be sustained at an intense pace. Through a combination of persuasive as well as coercive actions, with an overriding concern to ensure the safety of innocent refugees and civilians, thousands of weapons, standard as well as home-assembled weapons, grenades/explosives and rounds of

ammunition, have been confiscated.[a] They are, therefore, effectively neutralized — no longer available as instruments to intimidate, to maim and indeed to kill. As a result and combined with the added deployment of three armed forces battalions and two police battalions, security conditions in the refugee camps have been markedly enhanced. Such conditions have been similarly felt among the wider local community in the vicinity of the refugee camps. All this has been achieved without provoking untoward incidents, which could easily have involved injuries and loss of lives among innocent civilians. This should be noted and, indeed, welcomed.

19. Related to the issue of security, through its visit the Security Council mission will find concrete evidence of Indonesia's constructive approach in dealing with border-related issues. Far from the image that is occasionally portrayed by some quarters, the reality on the ground is that of a close working relationship between TNI and UNPKF in dealing with border issues of common concern. This is, inter alia, reflected in the fortnightly Tactical Coordinating Working Group meetings between TNI and UNPKF. Indeed, in the wake of the Atambua incident, in particular the departure of UNHCR from West Timor, TNI and UNPKF/UNMO officers in the border area have worked closely to facilitate the spontaneous return of East Timorese refugees from West Timor to East Timor. Their determination, dedication, pragmatism and professionalism in addressing real issues on the ground involving the fate of individuals, families and communities should be recognized, and has set a high standard that should be emulated. Their cooperation in foiling apparent attempts by some elements to provoke border incidents, both from East Timor to West Timor as well as from West Timor to East Timor, cannot be overemphasized. Equally important have been their cooperation in addressing incidents of violence across or near the border area. As an illustration of the latter, on 8 November 2000, TNI formally handed over to UNPKF at Suai a C9 Minimi Light Machine gun No. FN. 036682 (NZD-AA-870682), belonging to the late Private Manning, which was captured from the alleged perpetrator.

20. The Government of Indonesia would like to invite the mission of the Security Council to recognize these facts and to encourage enhanced border cooperation. Within a short space of time, what had hitherto been internal, national provincial border has become international in nature, with all the political, legal, and not least social and humanitarian ramifications. Invariably, therefore, border issues need to be managed. The instrument and forum to that end has been established, namely the Joint Border Committee created by Indonesia and UNTAET on 14 September 2000. The Government of Indonesia is actively taking steps for the early convening of this forum.

V. Reconciliation among East Timorese

21. The Government of Indonesia is confident that through its visit to East Timor and by viewing first hand the problems faced by the East Timorese refugees in West Timor, the mission of the Security Council will be reinforced in its conviction about the importance of reconciliation among all East Timorese if the vision of a peaceful, stable, democratic and prosperous East Timor is to be realized. All well-intentioned efforts to overcome the many real challenges facing East Timor during its transition

[a] The figures as of 7 November 2000 are as follows: 91 standard firearms, 1,304 home-assembled firearms, 8,864 rounds of ammunition, 18 grenade launchers, and 47 explosives and hand grenades.

towards independence will be rendered meaningless without a renewed action aimed at an all-inclusive reconciliation among East Timorese.

22. This is a matter of priority for the Government of Indonesia. We believe it should likewise be the case for UNTAET. In Indonesia's view, reconciliation among East Timorese constitutes the heart of the matter. Indonesia will not tire in expounding this noble message. For it is vital that trust and mutual respect be fostered and past animosities and differences among various segments of East Timorese be resolved once and for all.

VI. Conclusion

23. The Government of Indonesia welcomes the visit by the mission of the Security Council as an expression of the existing positive line of communication with the United Nations. It is confident that through this visit, the Council will be able to witness at first hand the positive results of the many important steps Indonesia has taken in response to the incident of 6 September 2000. Likewise, the Council will be able to better appreciate the magnitude of the residual issues which arise as a result of the transfer of authority, in particular the question of East Timorese refugees in West Timor, issues which have seriously been addressed by the Government of Indonesia, in cooperation with UNTAET.

24. In its visit to Indonesia, the mission of the Security Council cannot possibly fail to recognize the reservoir of good will which exists among the people of Indonesia towards East Timor as it embarks on the important transition towards independence. These are not mere sentiments. The Government of Indonesia has, through concrete actions and deeds, left no stone unturned in ensuring a conducive atmosphere for East Timor during the transition phase and beyond, even when these severely test the bounds of existing national laws and regulations. Efforts to resolve the issue of East Timorese refugees are, by now, well recorded. Less may be known, however, about the tangible progress which has been made over the past year in talks over other residual issues. The restoration of East Timor's archives, including land records, cultural artefacts, scholarships for East Timorese students in Indonesian institutions of higher learning, the payment of pensions and other benefits for former civil servants, and many others — all these contribute to securing East Timor's future. Indonesia will continue to pursue such constructive policies not because of resolutions or statements but because they are right. A prosperous, peaceful, stable and democratic East Timor is in Indonesia's national interest. Geography dictates that Indonesia and East Timor are neighbours. There is a bond of history, ancestry and culture among our peoples. These realities have survived the millennia. And they will survive the next.

10 November 2000

Department of Foreign Affairs
Republic of Indonesia